

## 9. Buffer Strips

**A. Preamble.** The Board recognizes the importance of natural buffer strips in protecting water quality and wildlife habitat. The Board also recognizes that buffer strips can serve as visual screens which can serve to lessen the visual impact of incompatible or undesirable land uses. The width and nature of buffer strips, if required, shall be determined by the Board on a case-by-case basis.

**B. Scope of Review.** In determining whether the developer has made adequate provision for buffer strips, when appropriate, the Board shall consider all relevant evidence to that effect, such as evidence that:

- (1) Water bodies within or adjacent to the development will be adequately protected from sedimentation and surface runoff by buffer strips.

~~NOTE: The following GUIDELINES address the width of buffer strips which should be established between water bodies and operations to extract natural resources or borrow pit operations.~~

~~No portion of any ground area disturbed by the extraction of natural resources or sand, fill or gravel on land sloping toward the water should be closer to the normal high water mark of a flowing, standing, or tidal body of water than is indicated by the following table:~~

| <del>Average slope of Land Between<br/>Mineral Soil and Normal Water<br/>Mark (Percent)</del> | <del>Width of Strip Between Exposed Mineral,<br/>Exposed Soil and Normal High Water Mark<br/>(Feet High Along Surface of the Ground)</del> |
|---|--|
| <del>0</del>  | <del>50</del>  |
| <del>10</del>   | <del>90</del>  |
| <del>20</del>   | <del>130</del>   |
| <del>30</del>   | <del>170</del>   |
| <del>40</del>   | <del>210</del>   |
| <del>50</del>   | <del>250</del>   |
| <del>60</del>   | <del>290</del>   |
| <del>70</del>   | <del>330</del>   |

- (2) Buffer strips will provide adequate space for movement of wildlife between important habitats.

- (3) Buffer strips will shield adjacent uses from unsightly developments and lighting.

~~(a) Developments involving the excavation of natural resources and borrow pit operations will retain a minimum buffer strip of 150 feet from all property lines. If written permission of the abutter is obtained, a buffer strip of no less than 25 10 feet may be allowed. This buffer may be eliminated between abutting properties containing borrow pits or topsoil mining operations, with written permission of the abutting property owner. The working edge of an extractive~~

~~activity will be no closer than 150 feet to any public road or way, except for a topsoil mining operation, which will be no closer than 25 feet to any public road or way.~~

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~~NOTE: The following GUIDELINES should be considered in establishing visual buffer strips.~~

- ~~(1) Plant materials used in the screen planting will be at least four feet high when planted and be of such evergreen species as will produce ultimately a dense visual screen at least eight feet high. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.~~
  - ~~(2) The screen will be maintained permanently, and any plant material which does not live will be replaced within one year.~~
  - ~~(3) Screen planting will be so placed that at maturity it will be no closer than three feet away from any street or property line.~~
  - ~~(4) The screen will be broken only at points of vehicular or pedestrian access.~~
  - ~~(5) Fencing and screening will be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.~~
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**C. Excavations for Sand, Gravel, Clay, Silt, Topsoil, or Rock** -- Buffer strips associated with an excavation for sand, gravel, clay, silt, topsoil, or rock must meet the buffer strip standards specified in Performance Standards for Excavations, 38 M.R.S.A. § 490-D, and Performance Standards for Quarries, 38 M.R.S.A. § 490-Z. These standards apply in lieu of Section 9(B) (1)-(3).

A gravel pit previously licensed under the Site Location of Development Law, 38 M.R.S.A § 484, may apply for a modification of the buffer strip requirements in such a permit. The Department may approve such modification if the buffer strip at least meets the minimum standards of §§ 490-D and 490-Z and the proposed excavation will not result in an unreasonable adverse impact on the natural environment.

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**ED. Submissions.** Applications for approval of proposed developments shall include evidence that affirmatively demonstrates that adequate provision of buffer strips, when appropriate, will be made, including information such as the following:

- (1) The location and width of all natural buffer strips to be retained.
- (2) The nature, location, width, and height of all vegetative buffer strips or architectural screens to be established.
- (3) Legal provisions for the maintenance of all buffer strips and architectural screens.

**DE. Terms and Conditions.** The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the developer has made adequate provision for the establishment of buffer strips, such as requiring:

- (1) The maintenance of existing vegetation as a natural buffer strip, which shall remain as a permanent feature of the landscape.
- (2) The incorporation of buffer strip maintenance into deed covenants in projects where deed transfers of property to the general public are contemplated.
- (3) Written permission of the Department of Environmental Protection for activities which may adversely affect a body of water or wildlife habitat protected by a natural buffer strip, such as: removal of live trees, stump and hot systems, and the displacement of rocks, topsoil and similar activities which would cause or allow increased soil erosion.
- (4) The establishment of particular species of vegetation.
- (5) The use of particular materials, colors, and styles in the construction of architectural screens.